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MAY 27 2011 JS

11-CV-00872-INDI

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
for the
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH R. BEATON,
Plaintiff
v.
JPMORGAN CHASE BANK N.A.,
NORTHWEST TRUSTEE
SERVICES, INC.,
Defendants.

CASE NO.: 11-cv-872 RAT

VERIFIED
MOTION FOR TEMPORARY
RETRAINING ORDER (TRO)

EMERGENCY/ EX PARTE

Plaintiff DEBORAH R. BEATON motions this Honorable Court to issue a temporary restraining order in support therefore states:

JURISDICTIONAL ALLEGATIONS

1. This is an action for the equitable remedy for temporary restraining order.
2. Petitioner resides in King County, Washington.
3. The threatened harm to be enjoined is threatened to be imposed in King County, Washington.
4. Defendant, NORTHWEST TRUSTEE SERVICES, INC., has received service of the summons, complaint, motion for temporary restraining order, motion for preliminary

VERIFIED AMENDED MOTION FOR
TEMPORARY RESTRAINING ORDER

Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607

1 restraining order, affidavit of hardship and injury via the registered agent; and,

2 5. JPMORGAN CHASE BANK N.A. whose address is 270 Park Avenue, New York, NY

3 was 5/24/2011
4 10017 is being served the summons, complaint, motion for temporary restraining order,

5 motion for preliminary restraining order, affidavit of hardship and injury.

6 6. The subject Property is located in King County, Washington.

7 7. This Honorable Court has Jurisdiction.

8 FACTUAL ALLEGATIONS

9 8. Defendant, NORTHWEST TRUSTEE SERVICES, INC. has scheduled a Trustee's Sale of
10 the subject Property (File No. 7763.28416) for June 3, 2011 due to an alleged default of
11 an alleged loan obligation, both of which the plaintiff disputes.

12 9. The residential property the subject of this action (hereafter the "Property") is located at
13 22650 24th Ave S, Des Moines, WA 98198 in King County, Washington (APN: 162204-
14 9155) and is legally described as:

15 W 182 FT OF E 342 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LESS S 140 FT
16 & N 20 FT OF S 160 FT OF S 1/2 OF SW 1/4 OF NW 1/4 OF NE 1/4 LY E OF
17 24TH PL S LESS E 342 FT LESS N 75 FT.

18 10. Defendant(s) have produced no valid enforceable perfected security interest in the
19 subject Property.

20 11. The defendant's alleged default is in dispute and unproven.

21 12. The threatened harm to plaintiff outweighs any substantial harm to the Respondents.

22 13. Plaintiff would be irreparably harmed and be permanently and wrongfully deprived of
23 possession of the subject Property if the trustee sale (File No. 7763.28416) scheduled
24 for June 3, 2011 is not restrained.

25 VERIFIED AMENDED MOTION FOR
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14. The relief requested by plaintiff is in the public interest.

15. There is substantial likelihood that none of the defendants have an enforceable security interest in the subject Property, that a default will not be a proven, that no loan was ever performed; and, therefore there is substantial likelihood that a judgment will be entered that no defendants are entitled to payment of a loan or have standing to foreclose.

1. Plaintiff requests that the Court take judicial notice that Defendant JPMORGAN CHASE BANK N.A. stipulated to a voluntary consent order Consent Order No. AA-EC-11-15 filed with THE OFFICE OF THE COMPTROLLER OF THE CURRENCY (OCC) stating JPMORGAN CHASE BANK N.A. (page 3 (c)) litigated foreclosure proceedings and initiated non-judicial foreclosure proceedings without always ensuring that either the promissory note or the mortgage document were properly endorsed or assigned and, if necessary, in the possession of the appropriate party at the appropriate time" pursuant to voluntary Consent Orders filed with the OCC (see Exhibit "E" of complaint).

16. A Temporary Restraining Order is necessary to protect plaintiff from the threatened harm.

RELIEF REQUESTED

WHEREFORE Plaintiff DEBORAH R. BEATON, moves the Honorable Court to enter a Temporary Restraining Order enjoining all respondents/defendants and specifically NORTHWEST TRUSTEE SERVICES, INC. from selling the subject Property and granting such other and further relief as the circumstances may warrant until further notice of the Court.

UNDER PENALTIES OF PERJURY. I affirm that the facts alleged in the foregoing are true

**VERIFIED AMENDED MOTION FOR
TEMPORARY RESTRAINING ORDER**

**Deborah R. Beaton, Plaintiff
31431 46th Pl SW
Federal Way, WA 98023
(509) 499-1607**

1 and correct according to my own personal knowledge.

2 Date: May 24, 2011. VERIFICATION

3 Plaintiff: DEBORAH R. BEATON, Plaintiff

4 Signature: Deborah R. Beaton

5 JURAT

6 I, the undersigned Notary Public, certify that I know or have satisfactory evidence that Plaintiff
7 DEBORAH R. BEATON appeared before me, and executed this Motion as her sworn statement as a
8 free and voluntary act of her own will under penalty of perjury.

9 I certify under PENALTY OF PERJURY under the laws of the State of Washington, County of
King that the foregoing paragraph is true and correct.

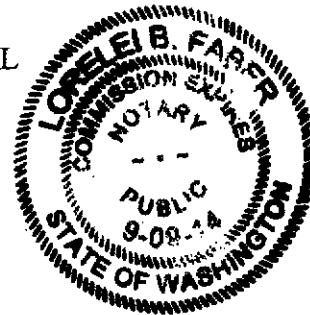
10 May 24, 2011

11 DATED:

12 Notary Public

13 My appointment expires 9-9-2014

14 SEAL



20 VERTIFIED AMENDED MOTION FOR
21 TEMPORARY RESTRAINING ORDER

22 Deborah R. Beaton, Plaintiff
23 31431 46th Pl SW
24 Federal Way, WA 98023
25 (509) 499-1607